

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF TEXAS
TYLER DIVISION**

UNITED STATES OF AMERICA

v.

ALLEN RAY CURTIS

§
§
§
§
§
§
§

CRIMINAL NO. 6:12-cr-00081-LED-JDL

**REPORT AND RECOMMENDATION OF
UNITED STATES MAGISTRATE JUDGE**

On December 17, 2014, the Court conducted a hearing to consider the government's petition to revoke the supervised release of Defendant. The government was represented by Nathaniel Kummerfeld, Assistant United States Attorney for the Eastern District of Texas, and Defendant was represented by Jim Huggler.

On August 6, 2013, Defendant Allen Ray Curtis was sentenced before U.S. District Judge Leonard Davis after pleading guilty to the offense of Failure to Register Under the Sex Offender Registration and Notification Act, a Class C felony. This offense carried a statutory maximum imprisonment term of 10 years. The United States Sentencing Guideline range, based on a total offense level of 12 and a criminal history category of IV, was 21 to 27 months. Defendant was sentenced to 21 months imprisonment and 5 years supervised release, plus special conditions including, in pertinent part, that Defendant shall not associate with any persons engaged in criminal activity, and shall not associate with any person convicted of a felony unless granted permission to do so by the probation officer. On March 26, 2014, Defendant completed the term of imprisonment and began his period of supervised release.

In its petition, the government alleges in pertinent part that Defendant violated the terms of supervised release when Defendant was discovered associating with two known convicted

felons on November 4, 2014. Therefore, should the Court find by a preponderance of the evidence that Defendant violated the terms of his supervised release, Defendant will be guilty of committing a Grade C violation. U.S.S.G. § 7B1.3(a)(2) indicates that upon a finding of a Grade C violation, the Court may: 1) revoke probation or supervised release; or 2) extend the term of probation or supervised release and/or modify the conditions of supervision. Considering Defendant's criminal history category of IV, the Guideline imprisonment range for a Grade C violation is 6 to 12 Months. U.S.S.G. § 7B1.4(a).

At the December 17, 2014 hearing, Defendant pled true to the allegation above. The government recommended that Defendant Allen Ray Curtis be committed to the Bureau of Prisons for 6 months with 3 years of supervised release to follow.

Pursuant to the Sentencing Reform Act of 1984, the Court RECOMMENDS that Defendant Allen Ray Curtis be committed to the custody of the Bureau of Prisons for 6 months with 3 years of supervised release to follow.

Defendant has waived his right to object to the findings of the Magistrate Judge in this matter so the Court will present this Report and Recommendation to U.S. District Judge Leonard Davis for adoption immediately upon issuance.

So ORDERED and SIGNED this 22nd day of December, 2014.


JOHN D. LOVE
UNITED STATES MAGISTRATE JUDGE